

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA
AND THE CALIFORNIA ENERGY COMMISSION**



FILED

01-18-08
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Order Instituting Rulemaking to Implement the
Commission's Procurement Incentive
Framework and to Examine the Integration of
Greenhouse Gas Emissions Standards into
Procurement Policies

Rulemaking 06-04-009
(Filed April 13, 2006)

AB 32 Implementation

CEC Docket
07-OIIP-01

**REPLY COMMENTS OF THE ENERGY PRODUCERS AND USERS
COALITION AND THE COGENERATION ASSOCIATION OF CALIFORNIA
ON MODELING-RELATED ISSUES**

Michael Alcantar
Donald Brookhyser
Alcantar & Kahl LLP
1300 SW Fifth Avenue
Suite 1750
Portland, OR 97201
503.402.9900 office
503.402.8882 fax
mpa@a-klaw.com
deb@a-klaw.com

Counsel to the
Cogeneration Association of California

Evelyn Kahl
Seema Srinivasan
Alcantar & Kahl LLP
120 Montgomery Street
Suite 2200
San Francisco, CA 94104
415.421.4143 office
415.989.1263 fax
ek@a-klaw.com
sls@a-klaw.com

Counsel to the
Energy Producers and Users Coalition

January 18, 2008

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The Energy Producers and Users Coalition¹ and the Cogeneration Association of California² (jointly, EPUC/CAC) submit the following reply comments on modeling-related issues pursuant to the November 9, 2007 Administrative Law Judge's Ruling (Ruling).

I. OVERVIEW AND SUMMARY OF RECOMMENDATIONS

EPUC/CAC raised several concerns in their opening comments regarding the modeling of combined heat and power (CHP) resources. As noted in E3's documentation, E3 continues to work on incorporating CHP data and

¹ EPUC is an ad hoc group representing the electric end use and customer generation interests of the following companies: Aera Energy LLC, BP West Coast Products LLC, Chevron U.S.A. Inc., ConocoPhillips Company, ExxonMobil Power and Gas Services Inc., Shell Oil Products US, THUMS Long Beach Company, Occidental Elk Hills, Inc., and Valero Refining Company – California.

² CAC represents the power generation, power marketing and cogeneration operation interests of the following entities: Coalinga Cogeneration Company, Mid-Set Cogeneration Company, Kern River Cogeneration Company, Sycamore Cogeneration Company, Sargent Canyon Cogeneration Company, Salinas River Cogeneration Company, Midway Sunset Cogeneration Company and Watson Cogeneration Company.

assumptions into the model.³ Based on this representation, EPUC provides the following comments:

- PG&E's challenge to future CHP development as a Greenhouse Gas (GHG) reduction measure ring hollow; PG&E's comments mischaracterize the CEC Report and lack a factual basis and reasoning.
- California should use caution in employing the E3 model results to set GHG policy in light of the limited time provided to E3 for the modeling effort and potential flaws in model assumptions.

EPUC/CAC look forward to future work with the Commissions and E3 in refining the model to develop a useful reference for GHG policy in the electricity sector.

II. PG&E'S ATTEMPT TO CREATE DOUBT REGARDING UTILITY OF CHP RESOURCES IS UNSUPPORTED AND INCONSISTENT WITH EXISTING EVIDENCE

In its opening comments, PG&E attempts to challenge the benefits of CHP facilities and the CEC's determinations in favor of regulatory encouragement of CHP. It notes that (i) expansion of CHP resources will result in over-generation, (ii) the efficiency of CHP should be assessed by comparing CHP with combined cycle gas turbines (CCGT) and boilers, (iii) CHP facilities provide limited reliability benefits, and (iv) existing CHP "*subsidies*" are "*sufficient*." PG&E also seems to question the efficiency of future CHP additions when it argues that expansion of 2,869 MW of enhanced oil recovery (EOR) CHP in the PG&E territory is not feasible. As discussed below, PG&E's attacks are unconvincing because it mischaracterizes the results in the CEC CHP market assessment report (CEC

³ See Corrections to GHG Model Stage 1 Documentation (updated on 11/16/07), at 1.

CHP Report), fails to provide any data to support its allegations or address existing evidence which contradicts its allegations.⁴

A. PG&E's Claim that the the CEC's High Deployment Scenario Will Result in Over-Generation Is Unsupported

PG&E argues that "*CHP is a baseload, must-take resource providing no operational flexibility with the same over-generation issues as described in section IV.V. ... Thus, CHP's impact on the GHG footprint associated with PG&E's delivered electricity is unclear and may not be positive.*" PG&E seems to suggest that the addition of CHP in the CEC's high deployment scenario *could* result in over-generation. PG&E does not provide any further information upon which this claim can be evaluated; the claim must be dismissed in the absence of any reference data.

B. PG&E's Claim That CHP Benefits Are Over-Stated Is Unsubstantiated

PG&E argues that the "*CEC market potential study needs to be updated and modified.*"⁵ It complains that because the CEC CHP Report does not compare CHP to new CCGTs and boilers, "*the CHP benefits are over-stated.*"⁶ Once again, PG&E provides no data to support this statement or any explanation of why their methodology must be used to assess CHP benefits.

There are multiple ways in which policymakers can assess the benefits of CHP resources. One way, as PG&E suggests, is to compare a CHP resource to a resource that would have been built in its place, a newer CCGT or boiler.

⁴ See EPRI, *Assessment of California CHP Market and Policy Options for Increased Penetration: PIER Collaborative Report* (CEC CHP Report) (CEC-500-2005-173).

⁵ PG&E Comments, at 24.

⁶ PG&E Comments at 24.

Another reasonable way to assess CHP benefits is to compare a CHP resource to the existing resource that the CHP facility would replace. A third way is to compare CHP resources to the marginal resource. The CEC's CHP Report appears to use the second method.⁷ Debate thus continues regarding the best approach to evaluate GHG benefits of CHP. As a result, merely because PG&E seeks a more conservative evaluation of CHP benefits does not mean that the CEC CHP market assessment potential is outdated or over-stated.

C. Commission Decision, Testimony, and IEPR Demonstrate That CHP Resources Provide Reliability Benefits

Citing D.03-02-068, PG&E challenges the contribution of customer generation to system reliability.⁸ It concludes that for the same reasons as provided in D.03-02-068, "*customer-owned CHP does not contribute significantly to reliability or resource adequacy requirements.*" Contrary to PG&E's suggestion, this decision recognizes the benefits to system reliability provided by CHP. Existing testimony and the 2005 Integrated Energy Policy Report (IEPR) also clarify that CHP improves system reliability.

Decision 03-02-068 addresses distribution investment avoidance. Specifically, in that case, the Commission concluded that distributed generation has the potential to improve, and therefore benefit, system reliability in two primary ways.⁹ First, it found distributed generation has significant potential to

⁷ The CEC calculated the CO₂ savings based on "grid power" which averaged 10,000 MMBtu/kWh. See EPRI, *Assessment of California CHP Market and Policy Options for Increased Penetration: PIER Collaborative Report* (CEC-500-2005-173) (CEC CHP Report), at 2-20.

⁸ In particular, PG&E states that "[c]ustomer generation only provides distribution benefits under narrow circumstances."

⁹ D.03-02-068, at 8-9.

reduce system peak demand by serving onsite load.¹⁰ Second, it determined that distributed generation has some potential to defer distribution system upgrades.¹¹ The decision did not establish a valuation scheme for distributed generation but also determined that such a scheme was not necessary to ensure that distributed generation is properly incorporated into utility distribution system planning.¹² In short, in the process of evaluating distribution investment avoidance, D.03-02-068 determined that distributed generation provides reliability benefits.

In addition to D.03-02-068, there exists much testimony and support that demonstrates that CHP improves system reliability. First, testimony, filed in the long-term procurement case explains that CHP improves system reliability because it serves on-site load:

CHP projects are, typically, located contiguous to the electrical loads of the thermal hosts which they serve and in most cases are in the midst of utility load centers. Thus, the amount of electrical power, which needs to flow over the utility grid (i.e., the transmission and distribution system) to serve this load, is significantly reduced. Accordingly, CHP reduces the losses associated with moving power over the wires connecting the thermal host load to more remotely located generation.

*Moreover, the use of CHP in a geographical area that relies heavily on the transmission system may result in the avoidance or deferral of expansion costs and relieve transmission congestion that might otherwise exist.*¹³

These benefits are also recognized by the IEPR:

CHP, or combined heat and power (CHP), is the most efficient and cost-effective form of DG, providing numerous benefits to California including reduced energy costs, more efficient fuel use, fewer environmental

¹⁰ *Id.*, at 8.

¹¹ *Id.*, at 9.

¹² *Id.*, at 9-10.

¹³ Prepared Direct Testimony of James A. Ross and Donald W. Schoenbeck, filed in R.06-02-013 on March 2, 2007, at 40.

*impacts, improved reliability and power quality, locations near load centers, and support of utility transmission and distribution systems.*¹⁴

*CHP is a key component of generation delivered to the grid. CHP represents approximately 17 percent of the state's generation and is often key to preserving grid reliability.*¹⁵

*CHP effectively reduces greenhouse gas emissions and both transmission and distribution congestion. CHP facilities are located in local load centers where system operators often struggle to maintain local reliability. CHP also provides significant resources during peak demand periods, which help mitigate operational problems involved with meeting peak demand.*¹⁶

Second, CHP resources have a high capacity factor which demonstrates that they are very reliable resources.¹⁷ SCE's total CHP facilities under contract, for example, have operated at an average 89% capacity factor.¹⁸ Finally, a system comprised of many small generating units is more reliable than a system with fewer large generating units because it is better capable of handling forced outages.¹⁹

D. Provisions Which Exist to Encourage CHP Do Not Provide Blanket "Subsidies" To CHP

In its opening comments, PG&E claims that:

*there are sufficient subsidies in place to enable evaluation of expansion of efficient, cost-effective CHP including: implementation of the recently-enacted AB 1613; ...recently-determined QF payments; waiver of stand-by exports for much CHP; and exemption from DWR power charges.*²⁰

¹⁴ IEPR, at 76.

¹⁵ IEPR, at 77.

¹⁶ IEPR, at 80.

¹⁷ Prepared Direct Testimony of James A. Ross and Donald W. Schoenbeck, filed in R.06-02-013 on March 2, 2007, at 39.

¹⁸ *Id.*, at 39.

¹⁹ *Id.*, at 39.

²⁰ PG&E Comments, at 25.

The characterization of these provisions as blanket CHP subsidies is misleading and inaccurate. AB 1613 and the standby-charge waiver are available only to small-scale CHP; plants above 20MW qualify for none of these benefits. Moreover, contrary to PG&E's assertions, avoided cost payments and exemptions from the DWR power charge cannot be accurately characterized as subsidies.

AB 1613 "*authorize[s] the Commission to require an electrical corporation to purchase excess electricity . . . delivered by a combined heat and power system . . .*"²¹ As defined by the statute, qualifying CHP must be sized to meet the eligible customer-generator's on-site thermal demand.²² An "*eligible customer-generator*" is one that generates no more than 20 MW. According to the IEPR, "*[t]here are more than 770 active CHP projects in California totaling 9,000 MW, with nearly 90 percent of this capacity from systems greater than 20 MW.*"²³ As such, this legislation will provide incentives for only about 10% of CHP. It is grossly misleading to suggest that it is available to CHP as a whole.

Like AB 1613, the standby-charge waiver, codified in Public Utilities Code § 353.1 is only available to a limited number of CHP facilities. Specifically, the standby-charge waiver is available for those facilities that are less than 5MW. The IEPR provides that "*CHP systems smaller than 5 MW represent only about 3 percent of total CHP capacity in the state.*"²⁴ Again, the standby-charge waiver is not available to most CHP and PG&E overstates its case.

²¹ See AB 1613.

²² P.U.C. Code §2840.2(b)(1).

²³ IEPR, at 76.

²⁴ IEPR, at 77.

PG&E also characterizes the “*recently-determined QF payments*” as “*subsidies.*” Presumably, PG&E’s reference to “QF payments” is to the avoided cost payments established in D.07-09-040. By definition, paying a QF an “avoided cost” is aimed to keep the utility revenue neutral. The QF is paid an amount equal to the cost the utility would have incurred “but for” the QF. Consequently, there is no “subsidy” provided in these payments.²⁵

Similarly, PG&E attempts to label the CHP exemption from the Department of Water Resources (DWR) power charge a subsidy. There exists no support for this characterization. In fact, a prior Commission decision clarifies that customer generation was exempted from the DWR power charge simply because the Commission determined *it did not cause* the resulting costs:

*Granting exceptions to certain portions of the CRS for customer generation up to 3000 MW will not result in any cost-shifting among customers, since costs for those MW were not incurred by DWR.*²⁶

PG&E’s characterization of the DWR exemption as a subsidy is therefore inaccurate and inconsistent with existing records and Commission findings.

E. PG&E’s Conclusions Regarding Feasibility of CEC’s High Deployment Scenario Are Misguided

PG&E attempts to challenge the high deployment scenario of the CEC CHP report by arguing that its service territory cannot absorb another 2,869 MW of new CHP export as baseload generation. It also argues that “[t]o add 2,800 MW of export generation with the same thermal efficiency as EOR CHP . . . is not a tenable assumption.”²⁷ While PG&E correctly notes the relative high efficiency

²⁵ Webster’s II New College Dictionary, Houghton Mifflin Company, at 1099 (1995).

²⁶ D.03-04-030, at finding of fact ¶ 20.

²⁷ PG&E Comments, at 24.

of CHP serving EOR operations, PG&E misinterprets and contorts the determinations in the CEC report to suit its purpose.

In the high deployment scenario, the CEC contemplates the addition of 2,869 MW of new CHP *to the state*, not merely to the PG&E service territory.²⁸ Table 7-18, in fact clarifies that only 1,572 MW of the 2,869 MW would be in PG&E's service territory.²⁹

PG&E also seems to imply that the entire 2,869 MW of CHP export potential must be EOR CHP.³⁰ While EOR CHP is efficient,³¹ the CEC report did not begin to suggest that the additional CHP deployment would be in the oil fields. It concludes, in fact, that two-thirds of the remaining technical potential for CHP is in the *commercial and institutional* sectors.³² Tables in Section B of the report further demonstrate that the potential for additional CHP is very diverse rather than limited to EOR CHP. Consequently, PG&E's apparent suggestion that further oil reserves must be developed to support additional CHP is misplaced.

²⁸ See CEC CHP Report, at 2-1; Table ES 2, at viii.

²⁹ CEC CHP Report, at G-5.

³⁰ PG&E Comments, at 24 ("*For example, the Aggressive Market Access case projects 2,869 MW of new export MW compared to a little more than 900 MW of EOR based CHP electrical generation presently in the PG&E area.*")

³¹ Existing cogeneration projects have achieved thermal efficiencies in the enhanced oil recovery application of about 80%. See *Prepared Testimony of James A. Ross and Donald W. Schoenbeck*, filed in R.04-04-003/R.04-04-025.

³² CEC CHP Report, at 2-6.

F. PG&E's CHP-Related Modeling Recommendations Require Further Examination.

PG&E focuses much of its efforts challenging the general benefits of CHP.

It does, however, include two modeling recommendations that require discussion:

- (i) CHP should be modeled as a must-take baseload resource
- (ii) Estimates of GHG reductions for efficient CHP should be calculated using a new CCGT and boiler as alternatives

Once again, PG&E's recommendations offer little explanation or support. While EPUC/CAC agree that the model must make assumptions on these two points, PG&E's recommendations should not be blindly adopted without further technical examination in the E3 modeling effort.

III. POLICYMAKERS MUST USE CAUTION IN RELYING ON THE E3 MODEL RESULTS TO SET LONG-TERM STATE GHG POLICY.

The opening comments noted several shortcomings and limitations of the model. Among other things, stakeholders expressed concern about the general use of estimates, unverified publicly available data, inaccuracies in assumptions, missing data, realistic limitations that are not reflected in the model, and the use of an unverified emissions target:

- IEP expresses concern about the use of Phase I results to estimate transmission costs and the use of publicly available data;³³
- DRA observes that there are “*many uncertainties in any model.*” It cautions therefore that while “[m]odels can be useful in setting upper/lower bounds and predicting relative cost-effectiveness . . . it would be dangerous to base policy decisions entirely on the output of a model;”³⁴
- SoCalGas/SDG&E states that “[t]hese types of models are helpful in setting overall direction and estimating the rough magnitude of actions

³³ IEP Comments, at 3-4

³⁴ DRA Comments, at 4.

needed to reach a goal. However, this model will not accurately predict how each of these actions will develop over time, and therefore will not determine which of these actions is the most cost-effective.”³⁵

- GPI generally observes that “[w]hile the model itself appears to be well thought out [sic], and takes into account all of the known variables today, we are concerned about the utility of the entire modeling exercise. The problem is that the uncertainties in this kind of analysis are no large that they tend to swamp any results that are produced;”³⁶
- WPTF generally notes that “while the modeling approach used by E3, namely the development of reference cases and target scenarios and the GHG calculator, may be used to explore various electricity generation scenarios in the year 202, WPTF considers that its applicability as a tool for evaluating alternative policy options and overall sectoral costs is limited;”³⁷
- AReM observes that electric service providers have not been considered and integrated into the E3 model;³⁸and
- NCPA notes that E3’s model focuses “almost exclusively” on IOUs and “do not provide accurate or adequate information on other aspects of the electricity sector, including publicly owned utilities.”³⁹

With respect to CHP, as noted in the opening comments of EPUC/CAC, there are several issues in the model that require modification.⁴⁰ Together these comments highlight some of the issues that the Commission must take into consideration when it reviews the model’s results. In other words, while the model can help clarify some of the cost implications of implementing a GHG regulatory scheme, it should not be used blindly to establish policy for the reasons highlighted by parties.

In addition to potential inaccuracies, the Commission should keep in mind the limited time that E3 has had to work on the model. It is fair to say that E3 has not had a significant amount of time to work on this enormous modeling task.

³⁵ SoCalGas/SDG&E, at 7.

³⁶ GPI Comments, at 6.

³⁷ WPTF, at 2.

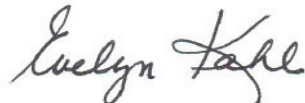
³⁸ AReM, at 4.

³⁹ NCPA Comments, at 2.

⁴⁰ See generally EPUC/CAC Opening Comments.

The Commission's request for proposal is dated March 21, 2007. It anticipated a contract commencement date of June 19, 2007. E3 held its kick-off meeting on September 21, 2007 and its initial results were posted in November. In short, given the large scope of this project, it is unclear if E3 has been provided sufficient time to produce a reliable model that can be used to establish long-term policy.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Evelyn Kahl". The signature is fluid and cursive, with the first name "Evelyn" written in a larger, more prominent script than the last name "Kahl".

Evelyn Kahl
Michael Alcantar

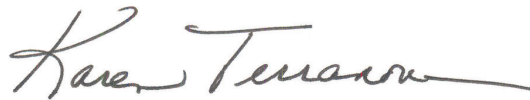
Counsel to the Energy Producers and
Users Coalition and the Cogeneration
Association of California

January 18, 2008

CERTIFICATE OF SERVICE

I, Karen Terranova hereby certify that I have on this date caused the attached **Reply Comments of the Energy Producers & Users Coalition and the Cogeneration Association of California on Modeling Related Issues** in R.06-04-009 to be served to all known parties by either United States mail or electronic mail, to each party named in the official attached service list obtained from the Commission's website, attached hereto, and pursuant to the Commission's Rules of Practice and Procedure.

Dated January 18, 2008 at San Francisco, California.

A handwritten signature in dark ink, appearing to read "Karen Terranova", with a long horizontal flourish extending to the right.

Karen Terranova

STEVEN S. SCHLEIMER
BARCLAYS BANK, PLC
200 PARK AVENUE, FIFTH FLOOR
NEW YORK, NY
steven.schleimer@barclayscapital.com

STEVEN HUHMAN
MORGAN STANLEY CAPITAL GROUP INC.
2000 WESTCHESTER AVENUE
PURCHASE, NY
steven.huhman@morganstanley.com

RICK C. NOGER
PRAXAIR PLAINFIELD, INC.
2711 CENTERVILLE ROAD, SUITE 400
WILMINGTON, DE
rick_noger@praxair.com

KEITH R. MCCREA
SUTHERLAND, ASBILL & BRENNAN, LLP
1275 PENNSYLVANIA AVE., N.W.
WASHINGTON, DC
keith.mccrea@sablaw.com

ERIN M. MURPHY
MCDERMOTT WILL & EMERY LLP
600 THIRTEENTH STREET, N.W.
WASHINGTON, DC
emmurphy@mwe.com

MICHAEL A. YUFFEE
MCDERMOTT WILL & EMERY LLP
600 THIRTEENTH STREET, N.W.
WASHINGTON, DC
myuffee@mwe.com

LISA M. DECKER
CONSTELLATION ENERGY GROUP, INC.
111 MARKET PLACE, SUITE 500
BALTIMORE, MD
lisa.decker@constellation.com

KEVIN BOUDREAUX
CALPINE POWER AMERICA-CA, LLC
717 TEXAS AVENUE, SUITE 1000
HOUSTON, TX
kevin.boudreaux@calpine.com

E.J. WRIGHT
OCCIDENTAL POWER SERVICES, INC.
5 GREENWAY PLAZA, SUITE 110
HOUSTON, TX
ej_wright@oxy.com

THOMAS DILL
LODI GAS STORAGE, L.L.C.
14811 ST. MARYS LANE, SUITE 150
HOUSTON, TX
trdill@westernhubs.com

PAUL M. SEBY
MCKENNA LONG & ALDRIDGE LLP
1875 LAWRENCE STREET, SUITE 200
DENVER, CO
pseby@mckennalong.com

TIMOTHY R. ODIL
MCKENNA LONG & ALDRIDGE LLP
1875 LAWRENCE STREET, SUITE 200
DENVER, CO
todil@mckennalong.com

STEVE MICHEL
WESTERN RESOURCE ADVOCATES
2260 BASELINE ROAD, SUITE 200
BOULDER, CO
smichel@westernresources.org

JENINE SCHENK
APS ENERGY SERVICES
400 E. VAN BUREN STREET, SUITE 750
PHOENIX, AZ
jenine.schenk@apses.com

JOHN B. WELDON, JR.
SALMON, LEWIS & WELDON, P.L.C.
2850 EAST CAMELBACK ROAD, SUITE 200
PHOENIX, AZ
jbw@slwplc.com

KELLY BARR
SALT RIVER PROJECT
PO BOX 52025, PAB 221
PHOENIX, AZ
kelly.barr@srpnet.com

ROGER C. MONTGOMERY
SOUTHWEST GAS CORPORATION
PO BOX 98510
LAS VEGAS, NV
roger.montgomery@swgas.com

DARRELL SOYARS
SIERRA PACIFIC RESOURCES
6100 NEIL ROAD
RENO, NV
dsoyars@sppc.com

SID NEWSOME
SOUTHERN CALIFORNIA GAS COMPANY
555 WEST 5TH STREET
LOS ANGELES, CA
snewsom@semprautilities.com

DAVID L. HUARD
MANATT, PHELPS & PHILLIPS, LLP
11355 WEST OLYMPIC BOULEVARD
LOS ANGELES, CA
dhuard@manatt.com

CURTIS L. KEBLER
J. ARON & COMPANY
2121 AVENUE OF THE STARS
LOS ANGELES, CA
curtis.kebler@gs.com

DENNIS M.P. EHLING
KIRKPATRICK & LOCKHART NICHOLSON
GRAHAM
10100 SANTA MONICA BLVD., 7TH FLOOR
LOS ANGELES, CA
dehling@kling.com

GREGORY KOISER
CONSTELLATION NEW ENERGY, INC.
350 SOUTH GRAND AVENUE, SUITE 3800
LOS ANGELES, CA
gregory.koiser@constellation.com

NORMAN A. PEDERSEN
HANNA AND MORTON, LLP
444 SOUTH FLOWER STREET, NO. 1500
LOS ANGELES, CA
npedersen@hanmor.com

MICHAEL MAZUR
3 PHASES ENERGY SERVICES, LLC
2100 SEPULVEDA BLVD., SUITE 38
MANHATTAN BEACH, CA
mmazur@3phases.com

TIFFANY RAU
CARSON HYDROGEN POWER PROJECT LLC
ONE WORLD TRADE CENTER, SUITE 1600
LONG BEACH, CA
tiffany.rau@bp.com

GREGORY KLATT
DOUGLASS & LIDDELL
411 E. HUNTINGTON DRIVE, STE. 107-356
ARCADIA, CA
klatt@energyattorney.com

MAUREEN LENNON
CALIFORNIA COGENERATION COUNCIL
595 EAST COLORADO BLVD., SUITE 623
PASADENA, CA
maureen@lennonassociates.com

RICHARD HELGESON
SOUTHERN CALIFORNIA PUBLIC POWER
AUTHORITY
225 S. LAKE AVE., SUITE 1250
PASADENA, CA
rhelgeson@scppa.org

DANIEL W. DOUGLASS
DOUGLASS & LIDDELL
21700 OXNARD STREET, SUITE 1030
WOODLAND HILLS, CA
douglass@energyattorney.com

PAUL DELANEY
AMERICAN UTILITY NETWORK (A.U.N.)
10705 DEER CANYON DRIVE
ALTA LOMA, CA
pssed@adelphia.net

AKBAR JAZAYEIRI
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE. ROOM 390
ROSEMEAD, CA
akbar.jazayeri@sce.com

ANNETTE GILLIAM
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA
annette.gilliam@sce.com

LAURA I. GENAO
SOUTHERN CALIFORNIA EDISON
2244 WALNUT GROVE AVENUE
ROSEMEAD, CA
Laura.Genao@sce.com

RONALD MOORE
GOLDEN STATE WATER/BEAR VALLEY
ELECTRIC
630 EAST FOOTHILL BOULEVARD
SAN DIMAS, CA
rkmoore@gswater.com

DON WOOD
PACIFIC ENERGY POLICY CENTER
4539 LEE AVENUE
LA MESA, CA
dwood8@cox.net

ALLEN K. TRIAL
SDGE&SCG
101 ASH STREET
SAN DIEGO, CA
atrial@sempra.com

DAN HECHT
SEMPRA ENERGY
101 ASH STREET
SAN DIEGO, CA
dhecht@sempratrading.com

DANIEL A. KING
SEMPRA ENERGY
101 ASH STREET, HQ 12
SAN DIEGO, CA
daking@sempra.com

SYMONE VONGDEUANE
SEMPRA ENERGY SOLUTIONS
101 ASH STREET, HQ09
SAN DIEGO, CA
svongdeuane@semprasolutions.com

THEODORE ROBERTS
SEMPRA GLOBAL
101 ASH STREET, HQ 13D
SAN DIEGO, CA
troberts@sempra.com

JOSEPH R. KLOBERDANZ
SAN DIEGO GAS & ELECTRIC
PO BOX 1831
SAN DIEGO, CA
jkloberdanz@semprautilities.com

BILL LYONS
CORAL POWER, LLC
4445 EASTGATE MALL, SUITE 100
SAN DIEGO, CA
Bill.Lyons@shell.com

THOMAS DARTON
PILOT POWER GROUP, INC.
9320 CHESAPEAKE DRIVE, SUITE 112
SAN DIEGO, CA
tdarton@pilotpowergroup.com

STEVE RAHON
SAN DIEGO GAS & ELECTRIC COMPANY
8330 CENTURY PARK COURT, CP32C
SAN DIEGO, CA
lschavrien@semprautilities.com

GLORIA BRITTON
ANZA ELECTRIC COOPERATIVE, INC.
PO BOX 391909
ANZA, CA
GloriaB@anzaelectric.org

LYNELLE LUND
COMMERCE ENERGY, INC.
600 ANTON BLVD., SUITE 2000
COSTA MESA, CA
llund@commerceenergy.com

TAMLYN M. HUNT
COMMUNITY ENVIRONMENTAL COUNCIL
26 W. ANAPAMU ST., 2/F
SANTA BARBARA, CA
thunt@cecmail.org

JEANNE M. SOLE
CITY AND COUNTY OF SAN FRANCISCO
1 DR. CARLTON B. GOODLETT PLACE, RM.
234
SAN FRANCISCO, CA
jeanne.sole@sfgov.org

JOHN P. HUGHES
SOUTHERN CALIFORNIA EDISON COMPANY
601 VAN NESS AVENUE, STE. 2040
SAN FRANCISCO, CA
john.hughes@sce.com

LAD LORENZ
SOUTHERN CALIFORNIA GAS COMPANY
601 VAN NESS AVENUE, SUITE 2060
SAN FRANCISCO, CA
llorenz@semprautilities.com

MARCEL HAWIGER
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA
marcel@turn.org

NINA SUETAKE
THE UTILITY REFORM NETWORK
711 VAN NESS AVE., STE 350
SAN FRANCISCO, CA
nsuetake@turn.org

Diana L. Lee
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
dil@cpuc.ca.gov

F. Jackson Stoddard
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
fjs@cpuc.ca.gov

AUDREY CHANG
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA
achang@nrdc.org

EVELYN KAHL
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA
ek@a-klaw.com

MICHAEL P. ALCANTAR
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA
mpa@a-klaw.com

SEEMA SRINIVASAN
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA
sls@a-klaw.com

WILLIAM H. CHEN
CONSTELLATION NEW ENERGY, INC.
ONE MARKET STREET
SAN FRANCISCO, CA
bill.chen@constellation.com

BRIAN K. CHERRY
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, B10C
SAN FRANCISCO, CA
bk7@pge.com

EDWARD G POOLE
ANDERSON DONOVAN & POOLE
601 CALIFORNIA STREET SUITE 1300
SAN FRANCISCO, CA
epoole@adplaw.com

ANN G. GRIMALDI
MCKENNA LONG & ALDRIDGE LLP
101 CALIFORNIA STREET, 41ST FLOOR
SAN FRANCISCO, CA
agrimaldi@mckennalong.com

BRIAN T. CRAGG
GOODIN, MACBRIDE, SQUERI, RITCHIE &
DAY
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA
bcragg@goodinmacbride.com

JAMES D. SQUERI
GOODIN MACBRIDE SQUERI RITCHIE & DAY
LLP
505 SANSOME STREET, STE 900
SAN FRANCISCO, CA
jsqueri@gmssr.com

JEANNE B. ARMSTRONG
GOODIN MACBRIDE SQUERI RITCHIE & DAY
LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA
jarmstrong@gmssr.com

KAREN BOWEN
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO, CA
kbowen@winston.com

LISA A. COTTLE
WINSTON & STRAWN LLP
101 CALIFORNIA STREET, 39TH FLOOR
SAN FRANCISCO, CA
lcottle@winston.com

SEAN P. BEATTY
COOPER, WHITE & COOPER, LLP
201 CALIFORNIA ST., 17TH FLOOR
SAN FRANCISCO, CA
sbeatty@cwclaw.com

JOSEPH M. KARP
WINSTON & STRAWN LLP
101 CALIFORNIA STREET
SAN FRANCISCO, CA
jkarp@winston.com

JEFFREY P. GRAY
DAVIS WRIGHT TREMAINE, LLP
505 MONTGOMERY STREET, SUITE 800
SAN FRANCISCO, CA
jeffgray@dwt.com

CHRISTOPHER J. WARNER
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, PO BOX 7442
SAN FRANCISCO, CA
cjlw5@pge.com

SARA STECK MYERS
122 28TH AVENUE
SAN FRANCISCO, CA
ssmyers@att.net

LARS KVALE
CENTER FOR RESOURCE SOLUTIONS
PO BOX 39512
SAN FRANCISCO, CA
lars@resource-solutions.org

ANDREA WELLER
STRATEGIC ENERGY
3130 D BALFOUR RD., SUITE 290
BRENTWOOD, CA
aweller@sel.com

JENNIFER CHAMBERLIN
STRATEGIC ENERGY, LLC
2633 WELLINGTON CT.
CLYDE, CA
jchamberlin@strategicenergy.com

KERRY HATTEVIK
MIRANT CORPORATION
696 WEST 10TH STREET
PITTSBURG, CA
kerry.hattevik@mirant.com

AVIS KOWALEWSKI
CALPINE CORPORATION
3875 HOPYARD ROAD, SUITE 345
PLEASANTON, CA
kowalewskia@calpine.com

WILLIAM H. BOOTH
LAW OFFICES OF WILLIAM H. BOOTH
1500 NEWELL AVENUE, 5TH FLOOR
WALNUT CREEK, CA
wbooth@booth-law.com

J. ANDREW HOERNER
REDEFINING PROGRESS
1904 FRANKLIN STREET
OAKLAND, CA
hoerner@redefiningprogress.org

JANILL RICHARDS
CALIFORNIA ATTORNEY GENERAL'S OFFICE
1515 CLAY STREET, 20TH FLOOR
OAKLAND, CA
janill.richards@doj.ca.gov

CLIFF CHEN
UNION OF CONCERNED SCIENTIST
2397 SHATTUCK AVENUE, STE 203
BERKELEY, CA
cchen@ucsusa.org

GREGG MORRIS
GREEN POWER INSTITUTE
2039 SHATTUCK AVENUE, STE 402
BERKELEY, CA
gmorris@emf.net

JOHN GALLOWAY
UNION OF CONCERNED SCIENTISTS
2397 SHATTUCK AVENUE, SUITE 203
BERKELEY, CA
jgalloway@ucsusa.org

R. THOMAS BEACH
CROSSBORDER ENERGY
2560 NINTH STREET, SUITE 213A
BERKELEY, CA
tomb@crossborderenergy.com

BARRY F. MCCARTHY
MCCARTHY & BERLIN, LLP
100 PARK CENTER PLAZA, SUITE 501
SAN JOSE, CA
bmcc@mccarthyllaw.com

C. SUSIE BERLIN
MC CARTHY & BERLIN, LLP
100 PARK CENTER PLAZA, SUITE 501
SAN JOSE, CA
sberlin@mccarthyllaw.com

MIKE LAMOND
ALPINE NATURAL GAS OPERATING CO. #1
LLC
PO BOX 550
VALLEY SPRINGS, CA
anginc@goldrush.com

JOY A. WARREN
MODESTO IRRIGATION DISTRICT
1231 11TH STREET
MODESTO, CA
joyw@mid.org

BALDASSARO DI CAPO, ESQ.
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA
bdicapo@caiso.com

JOHN JENSEN
MOUNTAIN UTILITIES
PO BOX 205
KIRKWOOD, CA
jjensen@kirkwood.com

MARY LYNCH
CONSTELLATION ENERGY COMMODITIES
GROUP
2377 GOLD MEDAL WAY
GOLD RIVER, CA
mary.lynych@constellation.com

LEONARD DEVANNA
CLEAN ENERGY SYSTEMS, INC.
11330 SUNCO DRIVE, SUITE A
RANCHO CORDOVA, CA
lrdevanna-rf@cleanenergysystems.com

ANDREW BROWN
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA
abb@eslawfirm.com

BRUCE MCLAUGHLIN
BRAUN & BLAISING, P.C.
915 L STREET, SUITE 1420
SACRAMENTO, CA
mclaughlin@braunlegal.com

GREGGORY L. WHEATLAND
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA
glw@eslawfirm.com

JANE E. LUCKHARDT
DOWNEY BRAND LLP
555 CAPITOL MALL, 10TH FLOOR
SACRAMENTO, CA
jluckhardt@downeybrand.com

JEFFERY D. HARRIS
ELLISON, SCHNEIDER & HARRIS LLP
2015 H STREET
SACRAMENTO, CA
jdh@eslawfirm.com

VIRGIL WELCH
ENVIRONMENTAL DEFENSE
1107 9TH STREET, SUITE 540
SACRAMENTO, CA
vwelch@environmentaldefense.org

WILLIAM W. WESTERFIELD, 111
ELLISON, SCHNEIDER & HARRIS L.L.P.
2015 H STREET
SACRAMENTO, CA
www@eslawfirm.com

DOWNEY BRAND
JANE E. LUCKHARDT
555 CAPITOL MALL, 10TH FLOOR
SACRAMENTO, CA

RAYMOND J. CZAHAR, C.P.A.
WEST COAST GAS COMPANY
9203 BEATTY DRIVE
SACRAMENTO, CA
westgas@aol.com

STEVEN M. COHN
SACRAMENTO MUNICIPAL UTILITY DISTRICT
PO BOX 15830
SACRAMENTO, CA
scohn@smud.org

ANN L. TROWBRIDGE
DAY CARTER & MURPHY, LLP
3620 AMERICAN RIVER DRIVE, SUITE 205
SACRAMENTO, CA
atrowbridge@daycartermurphy.com

DAN SILVERIA
SURPRISE VALLEY ELECTRIC COOPERATIVE
PO BOX 691
ALTURAS, CA
dansvec@hdo.net

JESSICA NELSON
PLUMAS-SIERRA RURAL ELECTRIC CO-OP
73233 STATE ROUTE 70, STE A
PORTOLA, CA
notice@psrec.coop

DONALD BROOKHYSER
ALCANTAR & KAHL
1300 SW FIFTH AVE., SUITE 1750
PORTLAND, OR
deb@a-klaw.com

CYNTHIA SCHULTZ
PACIFIC POWER AND LIGHT COMPANY
825 N.E. MULTNOMAH
PORTLAND, OR
cynthia.schultz@pacificcorp.com

KYLE L. DAVIS
PACIFICORP
825 NE MULTNOMAH,
PORTLAND, OR
kyle.l.davis@pacificcorp.com

RYAN FLYNN
PACIFICORP
825 NE MULTNOMAH STREET
PORTLAND, OR
ryan.flynn@pacificcorp.com

SHAY LABRAY
PACIFICORP
825 NE MULTNOMAH, SUITE 2000
PORTLAND, OR
shayleah.labray@pacificcorp.com

TARA KNOX
AVISTA CORPORATION
PO BOX 3727
SPOKANE, WA

IAN CARTER
INTERNATIONAL EMISSIONS TRADING ASSN.
350 SPARKS STREET, STE. 809
OTTAWA, ON
carter@ieta.org

JASON DUBCHAK
NISKA GAS STORAGE
1200 855 2ND STREET, S.W.
CALGARY, AB
jason.dubchak@niskags.com

BRIAN M. JONES
M. J. BRADLEY & ASSOCIATES, INC.
47 JUNCTION SQUARE DRIVE
CONCORD, MA
bjones@mjbbradley.com

KENNETH A. COLBURN
SYMBIOTIC STRATEGIES, LLC
26 WINTON ROAD
MEREDITH, NH
kcolburn@symbioticstrategies.com

RICHARD COWART
REGULATORY ASSISTANCE PROJECT
50 STATE STREET, SUITE 3
MONTPELIER, VT
rapcowart@aol.com

KATHRYN WIG
NRG ENERGY, INC.
211 CARNEGIE CENTER
PRINCETON, NY
Kathryn.Wig@nrgenergy.com

SAKIS ASTERIADIS
APX INC
1270 FIFTH AVE., SUITE 15R
NEW YORK, NY
sasteriadis@apx.com

GEORGE HOPLEY
BARCLAYS CAPITAL
200 PARK AVENUE
NEW YORK, NY
george.hopley@barcap.com

ADAM J. KATZ
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW.
WASHINGTON, DC
ajkatz@mwe.com

ELIZABETH ZELLJADT
1725 I STREET, N.W. SUITE 300
WASHINGTON, DC
ez@pointcarbon.com

DALLAS BURTRAW
1616 P STREET, NW
WASHINGTON, DC
burtraw@rff.org

VERONIQUE BUGNION
POINT CARBON
205 SEVERN RIVER RD
SEVERNA PARK, MD
vb@pointcarbon.com

KYLE D. BOUDREAU
FPL GROUP
700 UNIVERSE BLVD., JES/JB
JUNO BEACH, FL
kyle_boudreaux@fpl.com

ANDREW BRADFORD
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE
LOUISVILLE, KY
andrew.bradford@constellation.com

GARY BARCH
FELLON-MCCORD & ASSOCIATES, INC.
9960 CORPORATE CAMPUS DRIVE
LOUISVILLE, KY
gbarch@knowledgeinenergy.com

RALPH E. DENNIS
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE, STE 2000
LOUISVILLE, KY
ralph.dennis@constellation.com

SAMARA MINDEL
FELLON-MCCORD & ASSOCIATES
9960 CORPORATE CAMPUS DRIVE, SUITE
2000
LOUISVILLE, KY
samara.mindel@constellation.com

BARRY RABE
1427 ROSS STREET
PLYMOUTH, MI
brabe@umich.edu

CATHY S. WOOLLUMS
MIDAMERICAN ENERGY HOLDINGS
COMPANY
106 EAST SECOND STREET
DAVENPORT, IA
cswoolllums@midamerican.com

BRIAN POTTS
ONE SOUTH PINCKNEY STREET
MADISON, WI
bhpotts@michaelbest.com

JAMES W. KEATING
BP AMERICA, INC.
150 W. WARRENVILLE RD.
NAPERVILLE, IL
james.keating@bp.com

JAMES ROSS
RCS, INC.
500 CHESTERFIELD CENTER, SUITE 320
CHESTERFIELD, MO
jimross@r-c-s-inc.com

TRENT A. CARLSON
RELIANT ENERGY
1000 MAIN STREET
HOUSTON, TX
tcarlson@reliant.com

GARY HINNERS
RELIANT ENERGY, INC.
PO BOX 148
HOUSTON, TX
ghinners@reliant.com

JULIE L. MARTIN
NORTH AMERICA GAS AND POWER
501 WESTLAKE PARK BLVD.
HOUSTON, TX
julie.martin@bp.com

ED CHIANG
ELEMENT MARKETS, LLC
ONE SUGAR CREEK CENTER BLVD., SUITE
250
SUGAR LAND, TX
echiang@elementmarkets.com

NADAV ENBAR
ENERGY INSIGHTS
1750 14TH STREET, SUITE 200
BOULDER, CO
nenbar@energy-insights.com

NICHOLAS LENSSEN
ENERGY INSIGHTS
1750 14TH STREET, SUITE 200
BOULDER, CO
nlenssen@energy-insights.com

STEVEN MICHEL
WESTERN RESOURCE ADVOCATES
2260 BASELINE RD., STE. 200
BOULDER, CO
smichel@westernresources.org

ELIZABETH BAKER
SUMMIT BLUE CONSULTING
1722 14TH STREET, SUITE 230
BOULDER, CO
bbaker@summitblue.com

KEVIN J. SIMONSEN
ENERGY MANAGEMENT SERVICES
646 EAST THIRD AVENUE
DURANGO, CO
kjsimonsen@ems-ca.com

PHILIP D. LUSK
WESTERN ELECTRICITY COORDINATING
COUNCIL
615 ARAPEEN DRIVE, SUITE 210
SALT LAKE CITY, UT
plusk@wecc.biz

SANDRA ELY
NEW MEXICO ENVIRONMENT DEPARTMENT
1190 ST FRANCIS DRIVE
SANTA FE, NM
Sandra.ely@state.nm.us

BRIAN MCQUOWN
RELIANT ENERGY
7251 AMIGO ST., SUITE 120
LAS VEGAS, NV
bmcquown@reliant.com

DOUGLAS BROOKS
SIERRA PACIFIC POWER COMPANY
6226 WEST SAHARA AVENUE
LAS VEGAS, NV
dbrooks@nevpc.com

BILL SCHRAND
SOUTHWEST GAS CORPORATON
PO BOX 98510
LAS VEGAS, NV
bill.schrand@swgas.com

JJ PRUCNAL
SOUTHWEST GAS CORPORATION
PO BOX 98510
LAS VEGAS, NV
jj.prucnal@swgas.com

MERIDITH J. STRAND
SOUTHWEST GAS CORPORATION
PO BOX 98510
LAS VEGAS, NV
meridith.strand@swgas.com

CYNTHIA MITCHELL
ENERGY ECONOMICS, INC.
530 COLGATE COURT
RENO, NV
ckmitchell1@sbcglobal.net

CHRISTOPHER A. HILEN
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO, NV
chilen@sppc.com

ELENA MELLO
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO, NV
emello@sppc.com

TREVOR DILLARD
SIERRA PACIFIC POWER COMPANY
6100 NEIL ROAD
RENO, NV
tdillard@sierrapacific.com

FRANK LUCHETTI
NEVADA DIV. OF ENVIRONMENTAL
PROTECTION
901 S. STEWART ST., SUITE 4001
CARSON CITY, NV
fluchetti@ndep.nv.gov

LEILANI JOHNSON KOWAL
LOS ANGELES DEPT. OF WATER AND
POWER
111 N. HOPE STREET, ROOM 1050
LOS ANGELES, CA
leilani.johnson@ladwp.com

RANDY S. HOWARD
LOS ANGELES DEPT. OF WATER AND
POWER
111 NORTH HOPE STREET, ROOM 921
LOS ANGELES, CA
randy.howard@ladwp.com

ROBERT L. PETTINATO
LOS ANGELES DEPARTMENT OF WATER &
POWER
111 NORTH HOPE STREET, SUITE 1150
LOS ANGELES, CA
robert.pettinato@ladwp.com

HUGH YAO
SOUTHERN CALIFORNIA GAS COMPANY
555 W. 5TH ST, GT22G2
LOS ANGELES, CA
hyao@semprautilities.com

RASHA PRINCE
SAN DIEGO GAS & ELECTRIC
555 WEST 5TH STREET, GT14D6
LOS ANGELES, CA
rprince@semprautilities.com

RANDALL W. KEEN
MANATT PHELPS & PHILLIPS, LLP
11355 WEST OLYMPIC BLVD.
LOS ANGELES, CA
rkeen@manatt.com

S. NANCY WHANG
MANATT, PHELPS & PHILLIPS, LLP
11355 WEST OLYMPIC BLVD.
LOS ANGELES, CA
nwhang@manatt.com

MICHAEL MCCORMICK
CALIFORNIA CLIMATE ACTION REGISTRY
515 S. FLOWER ST. SUITE 1640
LOS ANGELES, CA
mike@climateregistry.org

HARVEY EDER
PUBLIC SOLAR POWER COALITION
1218 12TH ST., 25
SANTA MONICA, CA
harveyederpspc.org@hotmail.com

STEVE ENDO
DEPARTMENT OF WATER & POWER
150 S LOS ROBLES AVE., STE. 200
PASADENA, CA
sendo@ci.pasadena.ca.us

STEVEN G. LINS
CITY OF GLENDALE
613 EAST BROADWAY, SUITE 220
GLENDALE, CA
slins@ci.glendale.ca.us

TOM HAMILTON
ENERGY CONCIERGE SERVICES
321 MESA LILA RD
GLENDALE, CA
THAMILTON5@CHARTER.NET

BRUNO JEIDER
BURBANK WATER & POWER
164 WEST MAGNOLIA BLVD.
BURBANK, CA
bjjeider@ci.burbank.ca.us

ROGER PELOTE
WILLIAMS POWER COMPANY
12736 CALIFA STREET
VALLEY VILLAGE, CA
roger.pelote@williams.com

CASE ADMINISTRATION
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE., RM. 370
ROSEMEAD, CA
case.admin@sce.com

CATHY KARLSTAD
SOUTHERN CALIFORNIA EDISON COMPANY
2244 WALNUT GROVE AVE.
ROSEMEAD, CA
cathy.karlstad@sce.com

TIM HEMIG
NRG ENERGY, INC.
1819 ASTON AVENUE, SUITE 105
CARLSBAD, CA
tim.hemig@nrgenergy.com

BARRY LOVELL
15708 POMERADO RD., SUITE 203
POWAY, CA
bjl@bry.com

AIMEE M. SMITH
SEMPRA ENERGY
101 ASH STREET HQ13
SAN DIEGO, CA
amsmith@sempra.com

ALDYN HOEKSTRA
PACE GLOBAL ENERGY SERVICES
420 WEST BROADWAY, 4TH FLOOR
SAN DIEGO, CA
aldyn.hoekstra@paceglobal.com

DONALD C. LIDDELL, P.C.
DOUGLASS & LIDDELL
2928 2ND AVENUE
SAN DIEGO, CA
liddell@energyattorney.com

YVONNE GROSS
SEMPRA ENERGY
101 ASH STREET
SAN DIEGO, CA
ygross@sempraglobal.com

JOHN LAUN
APOGEE INTERACTIVE, INC.
1220 ROSECRANS ST., SUITE 308
SAN DIEGO, CA
jlaun@apogee.net

SCOTT J. ANDERS
UNIVERSITY OF SAN DIEGO SCHOOL OF
LAW
5998 ALCALA PARK
SAN DIEGO, CA
scottanders@sandiego.edu

ANDREW MCALLISTER
CALIFORNIA CENTER FOR SUSTAINABLE
ENERGY
8690 BALBOA AVE., SUITE 100
SAN DIEGO, CA
andrew.mcallister@energycenter.org

JACK BURKE
CALIFORNIA CENTER FOR SUSTAINABLE
ENERGY
8690 BALBOA AVE., SUITE 100
SAN DIEGO, CA
jack.burke@energycenter.org

JENNIFER PORTER
CALIFORNIA CENTER FOR SUSTAINABLE
ENERGY
8690 BALBOA AVENUE, SUITE 100
SAN DIEGO, CA
jennifer.porter@energycenter.org

SEPHRA A. NINOW
CALIFORNIA CENTER FOR SUSTAINABLE
ENERGY
8690 BALBOA AVENUE, SUITE 100
SAN DIEGO, CA
sephra.ninow@energycenter.org

JOHN W. LESLIE
LUCE, FORWARD, HAMILTON & SCRIPPS, LLP
11988 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA
jleslie@luce.com

ORLANDO B. FOOTE, III
HORTON, KNOX, CARTER & FOOTE
895 BROADWAY, SUITE 101
EL CENTRO, CA
ofoote@hkcf-law.com

ELSTON K. GRUBAUGH
IMPERIAL IRRIGATION DISTRICT
333 EAST BARIONI BLVD.
IMPERIAL, CA
ekgrubaugh@iid.com

MWIRIGI IMUNGI
15615 ALTON PARKWAY
IRVINE, CA
Mlimgui@energycoalition.org

JAN PEPPER
CLEAN POWER MARKETS, INC.
418 BENVENUE AVENUE
LOS ALTOS, CA
pepper@cleanpowermarkets.com

GLORIA D. SMITH
ADAMS, BROADWELL, JOSEPH & CARDOZO
601 GATEWAY BLVD., SUITE 1000
SOUTH SAN FRANCISCO, CA
gsmith@adamsbroadwell.com

MARC D. JOSEPH
ADAMS BRADWELL JOSEPH & CARDOZO
601 GATEWAY BLVD. STE 1000
SOUTH SAN FRANCISCO, CA
mdjoseph@adamsbroadwell.com

DIANE I. FELLMAN
LAW OFFICES OF DIANE I. FELLMAN
234 VAN NESS AVENUE
SAN FRANCISCO, CA
diane_fellman@fpl.com

HAYLEY GOODSON
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA
hayley@turn.org

MATTHEW FREEDMAN
THE UTILITY REFORM NETWORK
711 VAN NESS AVENUE, SUITE 350
SAN FRANCISCO, CA
freedman@turn.org

MICHEL FLORIO
711 VAN NESS AVE., STE. 350
SAN FRANCISCO, CA
mflorio@turn.org

DAN ADLER
CALIFORNIA CLEAN ENERGY FUND
5 THIRD STREET, SUITE 1125
SAN FRANCISCO, CA
Dan.adler@calcef.org

MICHAEL A. HYAMS
SAN FRANCISCO PUBLIC UTILITIES COMM
1155 MARKET ST., 4TH FLOOR
SAN FRANCISCO, CA
mhyams@sfwater.org

NORMAN J. FURUTA
FEDERAL EXECUTIVE AGENCIES
1455 MARKET ST., SUITE 1744
SAN FRANCISCO, CA
norman.furuta@navy.mil

ANNABELLE MALINS
BRITISH CONSULATE-GENERAL
ONE SANSOME STREET, SUITE 850
SAN FRANCISCO, CA
annabelle.malins@fco.gov.uk

DEVRA WANG
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA
dwang@nrdc.org

ERIC WANLESS
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA
ewanless@nrdc.org

KAREN TERRANOVA
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, STE 2200
SAN FRANCISCO, CA
filings@a-klaw.com

NORA SHERIFF
ALCANTAR & KAHL, LLP
120 MONTGOMERY STREET, SUITE 2200
SAN FRANCISCO, CA
nes@a-klaw.com

OLOF BYSTROM
CAMBRIDGE ENERGY RESEARCH
ASSOCIATES
555 CALIFORNIA STREET, 3RD FLOOR
SAN FRANCISCO, CA
obystrom@cera.com

SHERYL CARTER
NATURAL RESOURCES DEFENSE COUNCIL
111 SUTTER STREET, 20TH FLOOR
SAN FRANCISCO, CA
scarter@nrdc.org

CARMEN E. BASKETTE
594 HOWARD ST., SUITE 400
SAN FRANCISCO, CA
cbaskette@enernoc.com

COLIN PETHERAM
SBC CALIFORNIA
140 NEW MONTGOMERY ST., SUITE 1325
SAN FRANCISCO, CA
colin.petheram@att.com

DAVID R MILLER
TETRA TECH EM INC.
135 MAIN STREET, SUITE 1800
SAN FRANCISCO, CA
dave.millar@ttemi.com

DEBORAH BROCKETT
NAVIGANT CONSULTING, INC.
ONE MARKET STREET
SAN FRANCISCO, CA
dbrockett@navigantconsulting.com

KEVIN FOX
WILSON SONSINI GOODRICH & ROSATI
ONE MARKET STREET, SPEAR TOWER, 3300
SAN FRANCISCO, CA
kfox@wsgr.com

KHURSHID KHOJA
THELEN REID BROWN RAYSMAN & STEINER
101 SECOND STREET, SUITE 1800
SAN FRANCISCO, CA
kkhoja@thelenreid.com

STEPHANIE LA SHAWN
PACIFIC GAS AND ELECTRIC COMPANY
77 BEALE STREET, RM. 996B
SAN FRANCISCO, CA
S1L7@pge.com

CALIFORNIA ENERGY MARKETS
517-B POTRERO AVENUE
SAN FRANCISCO, CA
cem@newsdata.com

HOWARD V. GOLUB
NIXON PEABODY LLP
2 EMBARCADERO CENTER, STE. 2700
SAN FRANCISCO, CA
hgolub@nixonpeabody.com

JANINE L. SCANCARELLI
FOLGER, LEVIN & KAHN, LLP
275 BATTERY STREET, 23RD FLOOR
SAN FRANCISCO, CA
jscancarelli@flk.com

JOSEPH F. WIEDMAN
GOODIN MACBRIDE SQUERI DAY & LAMPREY
LLP
505 SANSOME STREET, SUITE 900
SAN FRANCISCO, CA
jwiedman@goodinmacbride.com

MARTIN A. MATTES
NOSSAMAN, GUTHNER, KNOX & ELLIOTT,
LLP
50 CALIFORNIA STREET, 34TH FLOOR
SAN FRANCISCO, CA
mmattes@nossaman.com

JEN MCGRAW
CENTER FOR NEIGHBORHOOD
TECHNOLOGY
PO BOX 14322
SAN FRANCISCO, CA
jen@cnt.org

LISA WEINZIMER
PLATTS
695 NINTH AVENUE, NO. 2
SAN FRANCISCO, CA
lisa_weinzimer@platts.com

STEVEN MOSS
SAN FRANCISCO COMMUNITY POWER COOP
2325 3RD STREET, SUITE 344
SAN FRANCISCO, CA
steven@moss.net

SHAUN ELLIS
2183 UNION STREET
SAN FRANCISCO, CA
sellis@fypower.org

ARNO HARRIS
RECURRENT ENERGY, INC.
220 HALLECK ST., SUITE 220
SAN FRANCISCO, CA
arno@recurrentenergy.com

DAREN CHAN
PO BOX 770000, MAIL CODE B9A
SAN FRANCISCO, CA
d1ct@pge.com

ED LUCHA
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, MAIL CODE: B9A
SAN FRANCISCO, CA
ell5@pge.com

GRACE LIVINGSTON-NUNLEY
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000 MAIL CODE B9A
SAN FRANCISCO, CA
gxl2@pge.com

JASMIN ANSAR
PG&E
PO BOX 770000
SAN FRANCISCO, CA
jxa2@pge.com

JONATHAN FORRESTER
PG&E
PO BOX 770000
SAN FRANCISCO, CA
JDF1@PGE.COM

SEBASTIEN CSAPO
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000
SAN FRANCISCO, CA
sscb@pge.com

SOUMYA SASTRY
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000
SAN FRANCISCO, CA
svs6@pge.com

VALERIE J. WINN
PACIFIC GAS AND ELECTRIC COMPANY
PO BOX 770000, B9A
SAN FRANCISCO, CA
vjw3@pge.com

FARROKH ALBUYEH
OPEN ACCESS TECHNOLOGY
INTERNATIONAL INC
1875 SOUTH GRANT STREET
SAN MATEO, CA
farrokh.albuyeh@oati.net

GREG BLUE
140 MOUNTAIN PKWY.
CLAYTON, CA
greg.blue@sbcglobal.net

DEAN R. TIBBS
ADVANCED ENERGY STRATEGIES, INC.
1390 WILLOW PASS ROAD, SUITE 610
CONCORD, CA
dtibbs@aes4u.com

JEFFREY L. HAHN
COVANTA ENERGY CORPORATION
876 MT. VIEW DRIVE
LAFAYETTE, CA
jhahn@covantaenergy.com

ANDREW J. VAN HORN
VAN HORN CONSULTING
12 LIND COURT
ORINDA, CA
andy.vanhorn@vhcenergy.com

SUE KATELEY
CALIFORNIA SOLAR ENERGY INDUSTRIES
ASSN
PO BOX 782
RIO VISTA, CA
info@calseia.org

JOSEPH M. PAUL
DYNEGY, INC.
2420 CAMINO RAMON, SUITE 215
SAN RAMON, CA
Joe.paul@dynegy.com

MONICA A. SCHWEBS, ESQ.
BINGHAM MCCUTCHEN LLP
1333 N. CALIFORNIA BLVD.
WALNUT CREEK, CA
monica.schwebs@bingham.com

JOSEPH HENRI
31 MIRAMONTE ROAD
WALNUT CREEK, CA
josephhenri@hotmail.com

PATRICIA THOMPSON
SUMMIT BLUE CONSULTING
2920 CAMINO DIABLO, SUITE 210
WALNUT CREEK, CA
pthompson@summitblue.com

WILLIAM F. DIETRICH
DIETRICH LAW
2977 YGNACIO VALLEY ROAD, 613
WALNUT CREEK, CA
dietrichlaw2@earthlink.net

BETTY SETO
KEMA, INC.
492 NINTH STREET, SUITE 220
OAKLAND, CA
Betty.Seto@kema.com

GERALD L. LAHR
ABAG POWER
101 EIGHTH STREET
OAKLAND, CA
JerryL@abag.ca.gov

JODY S. LONDON
JODY LONDON CONSULTING
PO BOX 3629
OAKLAND, CA
jody_london_consulting@earthlink.net

STEVEN SCHILLER
SCHILLER CONSULTING, INC.
111 HILLSIDE AVENUE
PIEDMONT, CA
steve@schiller.com

MRW & ASSOCIATES, INC.
1814 FRANKLIN STREET, SUITE 720
OAKLAND, CA
mrw@mrwassoc.com

REED V. SCHMIDT
BARTLE WELLS ASSOCIATES
1889 ALCATRAZ AVENUE
BERKELEY, CA
rschmidt@bartlewells.com

ADAM BRIONES
THE GREENLINING INSTITUTE
1918 UNIVERSITY AVENUE, 2ND FLOOR
BERKELEY, CA
adamb@greenlining.org

CLYDE MURLEY
CONSULTANT
600 SAN CARLOS AVENUE
ALBANY, CA
clyde.murley@comcast.net

BRENDA LEMAY
HORIZON WIND ENERGY
1600 SHATTUCK, SUITE 222
BERKELEY, CA
brenda.lemay@horizonwind.com

CARLA PETERMAN
UCEI
2547 CHANNING WAY
BERKELEY, CA
carla.peterman@gmail.com

EDWARD VINE
LAWRENCE BERKELEY NATIONAL
LABORATORY
BUILDING 90-4000
BERKELEY, CA
elvine@lbl.gov

RYAN WISER
BERKELEY LAB
ONE CYCLOTRON ROAD
BERKELEY, CA
rhwiser@lbl.gov

CHRIS MARNAY
1 CYCLOTRON RD MS 90R4000
BERKELEY, CA
C_Marnay@1b1.gov

PHILLIP J. MULLER
SCD ENERGY SOLUTIONS
436 NOVA ALBION WAY
SAN RAFAEL, CA
philm@scdenergy.com

RITA NORTON
RITA NORTON AND ASSOCIATES, LLC
18700 BLYTHSWOOD DRIVE,
LOS GATOS, CA
rita@ritanortonconsulting.com

CARL PECHMAN
POWER ECONOMICS
901 CENTER STREET
SANTA CRUZ, CA
cpechman@powereconomics.com

KENNY SWAIN
POWER ECONOMICS
901 CENTER STREET
SANTA CRUZ, CA
kswain@powereconomics.com

MAHLON ALDRIDGE
ECOLOGY ACTION
PO BOX 1188
SANTA CRUZ, CA
emahlon@ecoact.org

RICHARD SMITH
MODESTO IRRIGATION DISTRICT
1231 11TH STREET
MODESTO, CA
richards@mid.org

CHRISTOPHER J. MAYER
MODESTO IRRIGATION DISTRICT
1231 11TH STREET
MODESTO, CA
chrism@mid.org

ROGER VAN HOY
MODESTO IRRIGATION DISTRICT
1231 11TH STREET
MODESTO, CA
rogerv@mid.org

BARBARA R. BARKOVICH
BARKOVICH & YAP, INC.
44810 ROSEWOOD TERRACE
MENDOCINO, CA
brbarkovich@earthlink.net

JOHN R. REDDING
ARCTURUS ENERGY CONSULTING
44810 ROSEWOOD TERRACE
MENDOCINO, CA
johnrredding@earthlink.net

CLARK BERNIER
RLW ANALYTICS
1055 BROADWAY, SUITE G
SONOMA, CA
clark.bernier@rlw.com

RICHARD MCCANN, PH.D
M. CUBED
2655 PORTAGE BAY, SUITE 3
DAVIS, CA
rmccann@umich.edu

CAROLYN M. KEHREIN
ENERGY MANAGEMENT SERVICES
1505 DUNLAP COURT
DIXON, CA
cmkehrein@ems-ca.com

CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA
e-recipient@caiso.com

GRANT ROSENBLUM, ESQ.
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA
grosenblum@caiso.com

KAREN EDSON
151 BLUE RAVINE ROAD
FOLSOM, CA

ROBIN SMUTNY-JONES
CALIFORNIA ISO
151 BLUE RAVINE ROAD
FOLSOM, CA
rsmutny-jones@caiso.com

SAEED FARROKHPAY
FEDERAL ENERGY REGULATORY
COMMISSION
110 BLUE RAVINE RD., SUITE 107
FOLSOM, CA
saeed.farrokhpay@ferc.gov

DAVID BRANCHCOMB
BRANCHCOMB ASSOCIATES, LLC
9360 OAKTREE LANE
ORANGEVILLE, CA
david@branchcomb.com

KIRBY DUSEL
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA
kdusel@navigantconsulting.com

LAURIE PARK
NAVIGANT CONSULTING, INC.
3100 ZINFANDEL DRIVE, SUITE 600
RANCHO CORDOVA, CA
lpark@navigantconsulting.com

SCOTT TOMASHEFSKY
NORTHERN CALIFORNIA POWER AGENCY
180 CIRBY WAY
ROSEVILLE, CA
scott.tomashefsky@ncpa.com

ELLEN WOLFE
RESERO CONSULTING
9289 SHADOW BROOK PL.
GRANITE BAY, CA
ewolfe@resero.com

AUDRA HARTMANN
980 NINTH STREET, SUITE 2130
SACRAMENTO, CA
Audra.Hartmann@Dynergy.com

CURT BARRY
717 K STREET, SUITE 503
SACRAMENTO, CA
curt.barry@iwpnews.com

DAVID L. MODISETTE
CALIFORNIA ELECTRIC TRANSP. COALITION
1015 K STREET, SUITE 200
SACRAMENTO, CA
dave@ppallc.com

RACHEL MCMAHON
CEERT
1100 11TH STREET, SUITE 311
SACRAMENTO, CA
rachel@ceert.org

STEVEN KELLY
INDEPENDENT ENERGY PRODUCERS ASSN
1215 K STREET, SUITE 900
SACRAMENTO, CA
steven@iepa.com

EDWARD J. TIEDEMANN
KRONICK, MOSKOVITZ, TIEDEMANN &
GIRARD
400 CAPITOL MALL, 27TH FLOOR
SACRAMENTO, CA
etiedemann@kmtg.com

LYNN HAUG
ELLISON, SCHNEIDER & HARRIS, LLP
2015 H STREET
SACRAMENTO, CA
lmh@eslawfirm.com

OBADIAH BARTHOLOMY
SACRAMENTO MUNICIPAL UTILITY DISTRICT
6201 S. STREET
SACRAMENTO, CA
obarto@smud.org

BUD BEEBE
SACRAMENTO MUNICIPAL UTIL DIST
6201 S STREET
SACRAMENTO, CA
bbeebe@smud.org

BALWANT S. PUREWAL
DEPARTMENT OF WATER RESOURCES
3310 EL CAMINO AVE., LL-90
SACRAMENTO, CA
bpurewal@water.ca.gov

DOUGLAS MACMULLEN
CA DEPARTMENT OF WATER RESOURCES
3310 EL CAMINO AVE., ROOM 356
SACRAMENTO, CA
dmacmll@water.ca.gov

HOLLY B. CRONIN
CALIFORNIA DEPARTMENT OF WATER
RESOURCES
3310 EL CAMINO AVE., LL-90
SACRAMENTO, CA
hcronin@water.ca.gov

KAREN NORENE MILLS
CALIFORNIA FARM BUREAU FEDERATION
2300 RIVER PLAZA DRIVE
SACRAMENTO, CA
kmills@cbbf.com

KAREN LINDH
LINDH & ASSOCIATES
7909 WALERGA ROAD, NO. 112, PMB 119
ANTELOPE, CA
karen@klindh.com

DENISE HILL
4004 KRUSE WAY PLACE, SUITE 150
LAKE OSWEGO, OR
Denise_Hill@transalta.com

ANNIE STANGE
ALCANTAR & KAHL
1300 SW FIFTH AVE., SUITE 1750
PORTLAND, OR
sas@a-klaw.com

ELIZABETH WESTBY
ALCANTAR & KAHL, LLP
1300 SW FIFTH AVENUE, SUITE 1750
PORTLAND, OR
egw@a-klaw.com

ALEXIA C. KELLY
THE CLIMATE TRUST
65 SW YAMHILL STREET, SUITE 400
PORTLAND, OR
akelly@climatetrust.org

ALAN COMNES
WEST COAST POWER
3934 SE ASH STREET
PORTLAND, OR
alan.comnes@nrgenergy.com

KYLE SILON
ECOSECURITIES CONSULTING LIMITED
529 SE GRAND AVENUE
PORTLAND, OR
kyle.silon@ecosecurities.com

PHIL CARVER
OREGON DEPARTMENT OF ENERGY
625 MARION ST., NE
SALEM, OR
Philip.H.Carver@state.or.us

SAM SADLER
OREGON DEPARTMENT OF ENERGY
625 NE MARION STREET
SALEM, OR
samuel.r.sadler@state.or.us

LISA SCHWARTZ
ORGEON PUBLIC UTILITY COMMISSION
PO BOX 2148
SALEM, OR
lisa.c.schwartz@state.or.us

CLARE BREIDENICH
224 1/2 24TH AVENUE EAST
SEATTLE, WA
cbreidenich@yahoo.com

JESUS ARREDONDO
NRG ENERGY INC.
4600 CARLSBAD BLVD.
CARLSBAD, CA
jesus.arredondo@nrgenergy.com

KAREN MCDONALD
POWEREX CORPORATION
666 BURRAND STREET
VANCOUVER, BC
karen.mcdonald@powerex.com

James Loewen
CALIF PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET SUITE 500
LOS ANGELES, CA
loe@cpuc.ca.gov

Andrew Campbell
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
agc@cpuc.ca.gov

Anne Gillette
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
aeg@cpuc.ca.gov

Charlotte TerKeurst
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
cft@cpuc.ca.gov

Christine S. Tam
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
tam@cpuc.ca.gov

Donald R. Smith
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
dsh@cpuc.ca.gov

Ed Moldavsky
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
edm@cpuc.ca.gov

Eugene Cadenasso
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
cpe@cpuc.ca.gov

Harvey Y. Morris
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
hym@cpuc.ca.gov

Jaclyn Marks
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
jm3@cpuc.ca.gov

George S. Tagnipes
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
jst@cpuc.ca.gov

Joel T. Perlstein
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
jtp@cpuc.ca.gov

Jonathan Lakritz
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
jol@cpuc.ca.gov

Judith Ikle
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
jci@cpuc.ca.gov

Julie A. Fitch
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
jf2@cpuc.ca.gov

Kristin Ralf Douglas
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
krd@cpuc.ca.gov

Lainie Motamedi
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
lrm@cpuc.ca.gov

Matthew Deal
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
mjd@cpuc.ca.gov

Meg Gottstein
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
meg@cpuc.ca.gov

Merideth Sterkel
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
mts@cpuc.ca.gov

Nancy Ryan
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
ner@cpuc.ca.gov

Pamela Wellner
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
pw1@cpuc.ca.gov

Paul S. Phillips
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
psp@cpuc.ca.gov

Sara M. Kamins
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
smk@cpuc.ca.gov

Scott Murtishaw
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
sgm@cpuc.ca.gov

Steve Roscow
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
scr@cpuc.ca.gov

Suzy Hong
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
suh@cpuc.ca.gov

Theresa Cho
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
tcx@cpuc.ca.gov

Tim G. Drew
CALIF PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA
zap@cpuc.ca.gov

BILL LOCKYER
STATE OF CALIFORNIA, DEPT OF JUSTICE
PO BOX 944255
SACRAMENTO, CA
ken.alex@doj.ca.gov

KEN ALEX
1300 I STREET, SUITE 125
SACRAMENTO, CA
ken.alex@doj.ca.gov

JUDITH B. SANDERS
CALIFORNIA INDEPENDENT SYSTEM
OPERATOR
151 BLUE RAVINE ROAD
FOLSOM, CA
jsanders@caiso.com

JULIE GILL
CALIFORNIA INDEPENDENT SYSTEM
OPERATOR
151 BLUE RAVINE ROAD
FOLSOM, CA
jgill@caiso.com

MARY MCDONALD
CALIFORNIA INDEPENDENT SYSTEM
OPERATOR
151 BLUE RAVINE ROAD
FOLSOM, CA

PHILIP D. PETTINGILL
CALIFORNIA INDEPENDENT SYSTEM
OPERATOR
151 BLUE RAVINE ROAD
FOLSOM, CA
ppettingill@caiso.com

MICHAEL SCHEIBLE
CALIFORNIA AIR RESOURCES BOARD
1001 I STREET
SACRAMENTO, CA
mscheibl@arb.ca.gov

MEG GOTTSTEIN
PO BOX 210/21496 NATIONAL STREET
VOLCANO, CA
gottstein@volcano.net

PAM BURMICH
AIR RESOURCES BOARD
1001 I STREET, BOX 2815
SACRAMENTO, CA
pburmich@arb.ca.gov

B. B. BLEVINS
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS-39
SACRAMENTO, CA
bblevins@energy.state.ca.us

DEBORAH SLON
OFFICE OF THE ATTORNEY GENERAL
1300 I STREET, 15TH FLOOR
SACRAMENTO, CA
deborah.slon@doj.ca.gov

Don Schultz
CALIF PUBLIC UTILITIES COMMISSION
770 L STREET, SUITE 1050
SACRAMENTO, CA
dks@cpuc.ca.gov

KAREN GRIFFIN
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET, MS 39
SACRAMENTO, CA
kgriffin@energy.state.ca.us

LISA DECARLO
CALIFORNIA ENERGY COMMISSION
1516 9TH STREET MS-14
SACRAMENTO, CA
ldecarlo@energy.state.ca.us

MICHELLE GARCIA
AIR RESOURCES BOARD
1001 I STREET
SACRAMENTO, CA
mgarcia@arb.ca.gov

PIERRE H. DUVAIR
CALIFORNIA ENERGY COMMISSION
1516 NINTH STREET, MS-41
SACRAMENTO, CA
pduvair@energy.state.ca.us

Wade McCartney
CALIF PUBLIC UTILITIES COMMISSION
770 L STREET, SUITE 1050
SACRAMENTO, CA
wsm@cpuc.ca.gov

CAROL J. HURLOCK
CALIFORNIA DEPT. OF WATER RESOURCES
3310 EL CAMINO AVE. RM 300
SACRAMENTO, CA
hurlock@water.ca.gov